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IN THE UNITED STATES PATENT & TRADE MARK OFFICE

PATENT OPERATION

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re Application 09/813,476
Filing Date 03/22/2001
Title HINGED CLIP WITH SEPARABLE JAWS
Art Unit 3677
Examiner Brittain, J.R.
Date of Allowance 03/26/2003

PETITION PURSUANT TO 37 CFR 1.137(a)

Applicant requests the Revival of an application that may have become abandoned under circumstances that are believed to be **unavoidable**, due to what appears to be the non-delivery to the USPTO of a package sent by Express mail containing formal drawings required by the notice of allowance.

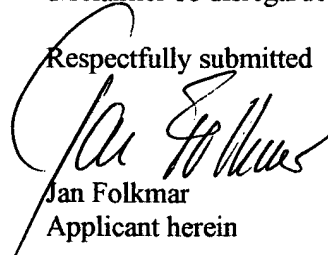
This petition is accompanied by the following:

1. Formal drawings and letter to the Official draftsman;
2. Credit card authorization for the payment of the petition fee;
3. The declaration of Kenneth M. Garrett setting forth the reasons for the delay; and
4. A terminal disclaimer and authorization for the payment of the fee therefor incorporated in item 2 above.

Applicant requests a prompt decision to this petition in view of a delay occasioned earlier by the loss of papers filed in the USPTO.

In the event that it is discovered that the delivery of the package was timely made or that applicant is entitled to receive a date of June 10, 2003 for the delivery of the package pursuant to the provisions of 37 CFR 1.10, it is requested that this petition and the accompanying terminal disclaimer be disregarded and the fees therefor be waived.

Respectfully submitted


Jan Folkmar
Applicant herein

August 3, 2003

08/15/2003 AWONDAF1 00000081 09813476

01 FC:1452 110.00 OP
2452 55.00
2814 55.00

Adjustment date: 09/15/2003 AKELLEY
08/15/2003 AWONDAF1 00000081 09813476
01 FC:1452 -110.00 OP
09/15/2003 AKELLEY 00000018 09813476
01 FC:2452 55.00 OP
02 FC:2814 55.00 OP

08/19/2003 AKELLEY 00000011 09813476
01 FC:2501 650.00 OP
02 FC:1504 300.00 OP


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AUG 15 2003

OFFICE OF PETITIONS

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SHOWING ACCOMPANYING A PETITION PURSUANT TO 37 CFR 1.137(a)

THE UNDERSIGNED KENNETH M. GARRETT DOES DECLARE AS FOLLOWS:

1. On or about April 2, 2003 a notice of allowance was received having a date of March 26, 2003 in respect of the captioned application; attached to the notice was a requirement to file formal drawings.
2. On June 7, 2003 formal drawings were deposited in the Canadian Postal Service in a pre-paid envelope for delivery by first class Express mail to the Patent & Trademark Office, addressed to Attention of the Official Draftsperson, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450. On information and belief, said envelope was delivered to and deposited in the United States Postal Service on **June 10, 2003**. A true copy of said drawings and of the covering letter attached thereto is annexed hereto as Exhibit 1, and as Exhibit 2 a true copy of both sides of the certificate of mailing.
3. On June 10, 2003, on information and belief, authorization to deduct payment of the final fees in the sum of \$950 from a credit card account was transmitted by facsimile to the USPTO at the no. 703-308-6778. A true copy of said authorization is annexed hereto as Exhibit 3.
4. A reply-paid postcard accompanied the letter to the Official Draftsperson, which was diaried for receipt by me on June 23, 2003. In view of the non-return of this postcard by that time, I immediately initiated a request for the confirmation of the delivery of the envelope from the Canadian Postal Service. I was informed in response to my request that the envelope was transferred into the US Postal Service system on June 10, 2003, but the fate of the envelope thereafter was unknown. I immediately initiated a formal enquiry, with a file no. 58441 being opened by the Canadian Postal Service in respect thereof. A period of 45 days is prescribed commencing from the mailing date within which to complete a formal enquiry of this nature, which period expired on July 24, 2003, and I have been informed and do verily believe that this has concluded that the envelope has been lost in the US Postal Service. Now Shown to me as Exhibit 4 hereto is a true copy of a letter dated July 29, 2003 received by me from the Canadian Postal Service relating to this matter.

All statements made hereinabove of my own knowledge are true and all statements made on information and belief are believed to be true.

I make this declaration in the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.


Kenneth M. Garrett
Reg. 27,514

August 3/03

EXHIBIT / TO THE DECLARATION OF KENNETH M. GARRETT IN SUPPORT OF A PETITION
FOR THE REVIVAL OF PATENT APPLICATION 09/813,476 MADE THIS 3 DAY OF AUGUST,
2003

EXHIBIT² TO THE DECLARATION OF KENNETH M. GARRETT IN SUPPORT OF A PETITION
FOR THE REVIVAL OF PATENT APPLICATION 09/813,476 MADE THIS 3 DAY OF AUGUST,
2003



Item Number N° de l'article ► LE 031 193 544 CA

Customer Reference Références du client *Personal Patent*

Sender warrants that this package contains hard copy documents only, does not contain dangerous goods, or anything of commercial value. *Le destinataire garantit que cet envoi ne contient pas de marchandises dangereuses, ni d'articles de valeur commerciale.*

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For guaranteed delivery details, see the Canada Post website. For product information, or DELIVERY CONFIRMATION, see the Canada Post website. *En savoir plus de détails sur la livraison garantie, des renseignements sur le produit, ou une CONFIRMATION DE LIVRAISON : voir le site Web de Canada Post.*

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USA É.-U.



Customer Receipt

Reçu du client

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Canada Post Corporation (CPC) guarantees on-time delivery to U.S. destinations in accordance with its published Service standards. CPC will offer a replacement service or refund shipping charges. Some conditions apply. CPC is not liable for any other loss or damage including any direct, indirect, special or consequential damages.

Additional conditions of carriage:

Refer to the Canada Postal Guide for information pertaining to prohibitions, restrictions and limitations of liability for each country. Currency or other negotiable financial instruments are not permitted. Canada Post Corporation accepts no responsibility and will not be liable for any loss of, or damage to such items. Fragile or perishable articles are not insured against damage but are insured against loss. Signature and insurance options are not available.

Garantie :

La Société canadienne des postes (SCP) garantit la livraison, dans les délais prévus, du courrier à destination des É.-U. conformément à ses normes publiées. En cas de défaut, la SCP remboursera les frais d'expédition ou offrira un produit de remplacement. Certaines conditions s'appliquent. La SCP n'est pas responsable des pertes ni des préjudices directs, indirects ou particuliers.

Conditions additionnelles de transport :

Le Guide des postes du Canada contient de l'information sur les interdictions, les restrictions ou les limitations de responsabilité pour chaque pays. La monnaie ou autres valeurs négociables ne sont pas autorisées. La Société canadienne des postes n'accepte aucune responsabilité quant aux dommages causés à ces articles ou à leur perte. Les objets fragiles ou périssables ne sont pas assurés contre l'avarie, mais le sont contre la perte. Les options Signature et Assurance ne sont pas disponibles.

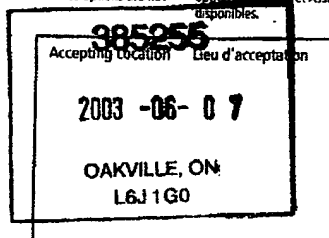


EXHIBIT ³ TO THE DECLARATION OF KENNETH M. GARRETT IN SUPPORT OF A PETITION
FOR THE REVIVAL OF PATENT APPLICATION 09/813,476 MADE THIS ³ DAY OF AUGUST,
• 2003

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2003